

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**LABORERS' PENSION FUND and )  
LABORERS' WELFARE FUND OF THE )  
HEALTH AND WELFARE DEPARTMENT )  
OF THE CONSTRUCTION AND GENERAL )  
LABORERS' DISTRICT COUNCIL OF )  
CHICAGO AND VICINITY, and JAMES S. )  
JORGENSEN, Administrator of the Funds, )  
Plaintiffs, )**

**v. )**

**ELITE CONCRETE CUTTING, INC., an )  
Illinois corporation, )  
Defendant. )**

**Case No. 08 C 863**

**Judge Dow**

**INITIAL STATUS REPORT**

**A. Attorneys**

1. Attorneys of record for Plaintiffs:

Patrick T. Wallace  
Jerrod Olszewski (will be trying the case)  
Christina Krivanek  
Amy N. Carollo  
Charles Ingrassia  
Office of Fund Counsel  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
(312) 692-1540

2. Attorney of record for Defendant:

None

**B. Federal Jurisdiction**

Federal jurisdiction is based on Sections 502(e)(1) and (2) and 515 of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§1132 (e)(1) and (2) and 1145, Section 301(a) of the

Labor Management Relations Act ("LMRA") of 1947 as amended, 29

U.S.C. §185(a), and 28 U.S.C. §1331, and federal common law.

**C. Nature of Case**

Plaintiffs filed their Complaint on February 8, 2008 seeking to compel the Company to submit benefits and dues reports and contributions from October, 2007 forward, including liquidated damages and interest (which at this point is estimated to be approximately \$5,000.00), to obtain a \$5,000.00 surety bond, and to pay attorneys fees and costs incurred by Plaintiffs in this matter.

**D. Service**

The one and only Defendant in this case was served on April 1, 2008.

**E. Principal Legal Issues**

None

**F. Principal Factual Issues**

None

**G. Jury**

A jury has not been requested by the parties.

**H. Discovery Plan**

The type of discovery needed will be document inspection and possible depositions.

Discovery and motion dates:

Plaintiffs' Rule 26(a)(1) disclosures were served on March 19, 2008.

Fact discovery completion date of June 6, 2008.

Expert discovery completion date of June 27, 2008, with discovery reports

to be delivered on or before July 11, 2008.

Dispositive motions to be filed on or before July 31, 2008.

Final pretrial order to be filed on or before September 5, 2008.

**I. Trial**

The Plaintiffs will be ready for a one day trial in October, 2008.

**J. Magistrate**

The Plaintiffs consent to proceed before a magistrate judge.

**K. Settlement**

Defendant's owner has been in constant communication with Plaintiffs' counsel and has provided some of the requested information to allow Plaintiffs to prove up their case. Defendant has requested, and Plaintiffs have agreed, until April 25, 2008 to submit all delinquent benefits and dues reports and contributions, obtain a \$5,000.00 surety bond, and pay all attorneys fees and costs in this matter. Defendant is aware of the additional attorneys fees and costs that have been and will be incurred due to Defendant's requested date. Plaintiffs expect Defendant to keep its word which will result in Plaintiffs dismissing this matter after payment has been received. Plaintiffs would not be opposed to striking the initial status date of April 16, 2008 and setting it for initial status on May 14, 2008 to allow the parties to resolve this matter, keep attorneys fees and costs to a minimum, and dismiss it prior to the initial status.

**L. Settlement Conference**

Plaintiffs do not request a settlement conference at this time.

April 10, 2008

LABORERS' PENSION FUNDS, et al.

By: /s/ Jerrod Olszewski

Office of Fund Counsel  
Laborers Pension and Welfare Funds  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
312/692-1540

**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused copies of the foregoing Initial Status Report to be served upon the following person via U.S. First class mail, postage prepaid, this 10<sup>th</sup> day of April, 2008.

Elite Concrete Cutting, Inc.  
c/o Edward Strong, Owner  
P.O. Box 5381  
Glendale Heights, Illinois 60139

/s/ Jerrod Olszewski